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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,708	02/23/2004	Robert Rice	BWORLD.0101	1463
22858	7590	02/11/2008	EXAMINER	
CARSTENS & CAHOON, LLP			JOHNSON, CARLTON	
P O BOX 802334			ART UNIT	
DALLAS, TX 75380			PAPER NUMBER	
			2136	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/784,708

Applicant(s)

RICE ET AL.

Examiner

Carlton V. Johnson

Art Unit

2136

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 28 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1, 2, 4-11, 13-18 and 21-24.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

Continuation of 11. does NOT place the application in condition for allowance because: Response to Arguments

The Nassiri prior art states that an embodiment of the prior art invention discloses that the notary seal input device can be an embedded function within the computer system as per claim limitation. (see Remarks Page 7, Lines 17-18) This fact meets the claim limitation and is disclosed by the referenced prior art.

The disclosure in "Electronic Signatures" states that the customer is informed and has to consent electronically. The Nassiri prior art discloses that the customer elects to use the electronic form of notarization. (see Nassir paragraph [0079], lines 5-7)

The Nassiri prior art discloses in an embodiment wherein the notary seal is stored as a function embedded within the computer system (notary application) and the notary seal device is attached to the computer system. The electronic notary seal is embedded in the computer system or the notary application. This disclosure satisfies this part of the application requirement since the notary seal is attached to or part of the notary application. (see Nassiri paragraph [0096], lines 4-10; paragraph [0097], lines 24-28: seal function embedded within computer system, seal function cannot operate without notary application (distributed application))


The disclosure of an option for "Consent to Electronic Records" is well known in the art. A consumer (client) has to consent to not receive a paper copy of a transaction in lieu of access to an electronic copy of such a transaction. The capability to give a consumer (client) the right or option for acceptance or denial of access to transaction information in electronic form is well known in the art. The following definition dated from the year 2001 defines "Consent to Electronic Records" as stated on pages 22-23 of reference. (<http://www.ccs.neu.edu/home/tarase/BrodGibTaraseESig.pdf>) The Nassiri prior art discloses that the consumer initiates the paperless transaction; therefore consent to operate within a paperless environment is implied. (see Nassiri paragraph [0076], lines 5-10: request to accept paperless (electronic) transaction information; paragraph [0020]: concern for legal requirements for transactions)

The successful responses to arguments for independent claims 1, 11, 18, also successfully respond to the current arguments against the dependent claims 2, 4-10, 13-17, and 21-24.

The examiner has considered the applicant's remarks concerning a method, program, and system for notarizing and verifying documents within a distributed computer network by the creation of an electronic version of the document on a client computer, which is then encrypted and stored on a secure server. The stored electronic document may be retrieved by any client in the computer network. The signing party is then notified of the electronic document's identity and directed to the location of a certified notary within the signing party's geographic vicinity and retrieves the electronic document on the notary's client computer. The signing party then electronically signs the document. The notary verifies the transaction and affixes his electronic signature and an electronic image of his notary seal to the document before saving it on the server. Applicant's arguments have thus been fully analyzed and considered but they are not persuasive.

After an additional analysis of the applicant's invention, remarks, and a search of the available prior art, it was determined that the current set of prior art consisting of Nassiri (20020143711) and "Electronic Signatures" discloses the applicant's invention including disclosures in Remarks.

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